

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOHN WESLEY JORDAN, III,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00057

SOUTH CENTRAL REGIONAL JAIL,

Defendant.

ORDER

Before the Court is Defendant the South Central Regional Jail's ("Defendant") Motion for Order of Dismissal. (ECF No. 38.) By standing order entered on January 4, 2016, and filed in this case on January 23, 2019, (ECF No. 2), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on March 9, 2021, recommending this Court dismiss this action for failure to prosecute because Plaintiff John Jordan, III, ("Plaintiff") has failed to file an Amended Complaint as required by the Magistrate Judge's Order and Notice. (ECF No. 39 at 2.) The Order and Notice, (ECF No. 31), required Plaintiff to file his Amended Complaint by November 23, 2020, and further notified Plaintiff that failure to comply would result in the Magistrate Judge submitting a recommendation that this matter be dismissed. Defendant's motion moves for dismissal on these same grounds. (ECF No. 38.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the PF&R to which no objections

are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on March 26, 2021. (ECF No. 39.) To date, Plaintiff has failed to submit any objection in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 39), **GRANTS** Defendant's Motion for Order of Dismissal, (ECF No. 38), and **DISMISSES** this action **WITHOUT PREJUDICE** for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Court further **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 30, 2021



THOMAS E. JOHNSTON, CHIEF JUDGE